

# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

## Clare County

**Planning Register Reference Number: P15/851**

An Bord Pleanála Reference Number: PL 03.246263

**APPEAL** by Sinéad Cooney of 21 Mather Road South, Mount Merrion, Blackrock, County Dublin against the decision made on the 10<sup>th</sup> day of February, 2016 by Clare County Council to grant subject to conditions a permission to Kevin and Margaret Haugh care of Pierce McGann and Company of 43 Highfield, Ennis Road, Limerick in accordance with plans and particulars lodged with the said Council.

**PROPOSED DEVELOPMENT:** Construction of function room extension to the side of the existing café/restaurant, including separate access, toilets, ancillary store and associated site services, provision of four number additional car park spaces, three number accessible car park spaces for disabled persons, access ramp and steps, footpaths and lighting. Planning permission is also sought to increase the height of the existing berm at the edge of the existing car park. Retention permission is sought for the existing car park located at the rear of the existing café/restaurant at Diamond Rocks Café, West End, Kilkee, County Clare.

## DECISION

**REFUSE permission for the above proposed development based on the reasons and considerations set out below.**

## MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

## REASONS AND CONSIDERATIONS

1. On the basis of the information provided with the application and appeal and in the absence of a Natura impact statement, the Board is not satisfied that the proposed development individually, or in combination with other plans or projects would not be likely to have a significant effect on European site the Kilkee Reefs Special Area of Conservation (Site Code 002264), or any other European site, in view of the site's conservation objectives and that the car park for which retention has been sought has not had and would not have a significant effect on any European site, in view of the site's conservation objectives. In such circumstances, the Board is precluded from granting approval/permission.
2. The retention of the car park is a use that is not normally permitted in an area zoned for 'Open Space', as per the provisions of the West Clare Local Area Plan 2012-2018. No exceptional circumstances that would warrant a grant of permission, in accordance with section 1.13 of the Local Area Plan, have been presented to the Board. The proposed development, if permitted, would materially contravene the zoning objective of the plan and would, therefore, be contrary to the proper planning and sustainable development of the area.
3. The proposed function room is a use that is not normally permitted in an area zoned for 'Tourism', as per the provisions of the West Clare Local Area Plan 2012-2018. No exceptional circumstances that would warrant a grant of permission, in accordance with section 1.13 of the Local Area Plan, have been presented to the Board. The proposed development, if permitted, would materially contravene the zoning objective of the plan and would, therefore, be contrary to the proper planning and sustainable development of the area.

4. Having regard to the scale of the existing and proposed development, the Board is not satisfied on the basis of the documentation submitted with this application and appeal, that the discharge to the foul sewer from the development could be adequately controlled in the high tourist season and not satisfied that it would lead to an overflow of the capacity of the wastewater treatment plant serving the development. Accordingly, the Board is not satisfied that the proposed development would not be prejudicial to public health.

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**Member of An Bord Pleanála  
duly authorised to authenticate  
the seal of the Board.**

**Dated this            day of            2016.**